

Town of Mount Desert
Select Board Meeting Minutes
Regular Meeting
Monday, June 1, 2020, 3:30 PM

This Meeting was held via remote access.

Select Board Members Present:

Chair John Macauley, Wendy Littlefield, Matt Hart, Rick Mooers, and Martha Dudman

Public Officials Present:

Town Clerk Claire Woolfolk, Public Works Director Tony Smith (left the Meeting early),
Town Manager Durlin Lunt, Harbormaster John Lemoine

Members of the public were also in attendance.

I. Call to order at 3:30 p.m.

Chair Macauley called the Meeting to order at 3:30PM.

II. Executive Session

A. *Pursuant to 1 M.R.S. § 405(6)(E) for consultations between the Board and its attorney concerning the legal rights and duties of the Board and matters where premature general public knowledge would clearly place the Town at a substantial disadvantage*

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, entering into Executive Session, pursuant to 1 M.R.S. § 405(6)(E) for consultations between the Board and its attorney concerning the legal rights and duties of the Board and matters where premature general public knowledge would clearly place the Town at a substantial disadvantage.

VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman: Aye; Chair John Macauley: Aye Motion approved 5-0.

The Board entered into Executive Session at 3:30PM.

MOTION: Mr. Mooers moved, with Mr. Hart seconding, to exit the Executive Session.

VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman: Aye; Chair John Macauley: Aye Motion approved 5-0.

The Board exited Executive Session at 4:00PM.

III. Public Hearing(s)

A. *Mandy Fountaine/DBA Abel's Lobster Pound (On The Shore, LLC) Request for Liquor License*

B. *Mandy Fountaine/DBA Abel's Lobster Pound (On The Shore, LLC) Request for Liquor Special Amusement Permit Renewal*

Public Comment was requested for either Public Hearing Item. There was none.

MOTION: Mr. Mooers moved, with Mr. Hart seconding, to close the Public Hearing.

VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman: Aye; Chair John Macauley: Aye Motion approved 5-0.

IV. Post Public Hearing

A. Mandy Fountaine/DBA Abel's Lobster Pound (On The Shore, LLC) Request for Liquor License – Action if necessary

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, approval of Mandy Fountaine/DBA Abel's Lobster Pound (On The Shore, LLC) Request for Liquor License, as presented.

VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman: Aye; Chair John Macauley: Aye Motion approved 5-0.

B. Mandy Fountaine/DBA Abel's Lobster Pound (On The Shore, LLC) Request for Liquor Special Amusement Permit Renewal – Action if necessary

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, approval of Mandy Fountaine/DBA Abel's Lobster Pound (On The Shore, LLC) Request for Liquor Special Amusement Permit Renewal, as presented.

VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman: Aye; Chair John Macauley: Aye Motion approved 5-0.

V. Minutes

None presented

VI. Appointments/Recognitions/Resignations

A. Annual Board and Committee Appointments

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, approval of the slate of Annual Board and Committee Appointments, as presented in the SelectBoard Packet.

Ms. Dudman pointed out that several Economic Development Committee Members who attend meetings were not listed. It was determined that the list presented consists only of those whose appointments were up for renewal and not all members.

VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman: Aye; Chair John Macauley: Aye Motion approved 5-0.

B. Appointment of Piper Charron as Seasonal Dockhand in Northeast Harbor Marina at a rate of \$14.00 per hour

MOTION: Mr. Mooers moved, with Mr. Hart seconding, appointment of Piper Charron as Seasonal Dockhand in Northeast Harbor Marina at a rate of \$14.00 per hour, as presented.

1 VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman:
2 Aye; Chair John Macauley: Aye Motion approved 5-0.

3
4 *C. Consideration of the request made by Public Works Director Tony Smith to have Paul*
5 *Accomando be appointed as a part-time seasonal employee in the Public Works*
6 *Department, primarily in the Buildings & Grounds Division but other divisions as*
7 *assigned, effective June 8, 2020 at an hourly rate of \$15.00 per hour*

8 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, approval of the request
9 made by Public Works Director Tony Smith to have Paul Accomando be appointed as a
10 part-time seasonal employee in the Public Works Department, primarily in the Buildings
11 & Grounds Division but other divisions as assigned, effective June 8, 2020 at an hourly
12 rate of \$15.00 per hour, as presented.

13
14 VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman:
15 Aye; Chair John Macauley: Aye Motion approved 5-0.

16
17 **VII. Consent Agenda** *(These items are considered routine, and therefore, may be passed by*
18 *the Selectmen in one blanket motion. Board members may remove any item for*
19 *discussion by requesting such action prior to consideration of that portion of the*
20 *agenda.)*

21 *A. Limited Purpose Aquaculture (LPA) application – Scott Koniecko; Angel Wilson*
22 *DMR Resource Management Coordinator*

23 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, Approval of the Consent
24 Agenda as presented.

25
26 VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman:
27 Aye; Chair John Macauley: Aye Motion approved 5-0.

28
29 **VIII. Selectmen's Reports**

30 Ms. Littlefield reported on a letter she'd received regarding the Town Pool. She believed
31 Mr. Hart received the same letter. At this point in time, Ms. Littlefield reported that the
32 school Superintendent has closed all school grounds, which includes the pool and
33 adjacent parking lot on the Mount Desert Elementary School grounds.

34
35 Mr. Hart noted the Town pool falls under the domain of Public Works. Public Works
36 Director Tony Smith was required to leave the meeting early and was not available for
37 comment.

38
39 Chair Macauley suggested tabling the issue until it could be added to the next agenda for
40 discussion.

41
42 MOTION: Ms. Littlefield moved, with Mr. Mooers seconding, to set as an agenda item
43 for discussion at the next Meeting the issue of information regarding the Town Pool and
44 its status this summer.

45

VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman: Aye; Chair John Macauley: Aye Motion approved 5-0.

Chair Macauley noted a request he received from Charlie Wray on behalf of Downeast Rowing and Paddling. Downeast Rowing and Paddling is offering to pay for, install, and maintain a dock at Pond's End. This dock would be open to the public and usable by anyone. The freeboard at the proposed dock would be lower and more amenable to paddle boarders and people getting in and out of sculls. Chair Macauley felt it better to wait until the next meeting to discuss.

Town Manager Durlin Lunt pointed out CEO Kimberly Keene's references to the LUZO with regard to the dock request. He felt it would be wise to include CEO Keene in any discussion and agreed to add the item to the June 15, 2020 Meeting Agenda.

IX. Unfinished Business

A. Discussion of Climate Resolution and Warrant Article

Chair Macauley noted a new resolution was written and presented to the Board.

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, to put the Climate Resolution and Warrant Article on the Agenda for the Town Meeting, as presented.

Mr. Hart inquired whether the Article would go through the Public Hearing process. Chair Macauley affirmed it would.

VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman: Aye; Chair John Macauley: Aye Motion approved 5-0.

Town Manager Lunt informed the Board that the Maine Municipal Association and the Governor's Office are working together to draft guidelines about how Towns can conduct meetings. The guidelines are anticipated to be done in the very near future. The guidelines will hopefully offer information on when Towns can hold Town Meetings. The planning for Public Hearings could begin now, as far as Manager Lunt was concerned. There are several Warrant Articles that require change.

B. Deactivation of the Town's Emergency Operations Center

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, Deactivation of the Town's Emergency Operations Center, as presented.

VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman: Aye; Chair John Macauley: Aye Motion approved 5-0.

X. New Business

A. Consideration of a request for a waiver of Section 4.04 of the Town's Sewer Ordinance requirement for a separate and individual sewer connection for individual structures

1 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, approval of a request for a
2 waiver of Section 4.04 of the Town's Sewer Ordinance requirement for a separate and
3 individual sewer connection for individual structures, as presented.
4

5 VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman:
6 Aye; Chair John Macauley: Aye Motion approved 5-0.
7

8 *B. Liquor License Renewal - Eliza Bishop d/b/a Milk & Honey (Milk and Honey Kitchen*
9 *LLC) 3 Old Firehouse Lane, Northeast Harbor*

10 MOTION: Mr. Hart moved, with Mr. Mooers seconding, approval of Liquor License
11 Renewal - Eliza Bishop d/b/a Milk & Honey (Milk and Honey Kitchen LLC) 3 Old
12 Firehouse Lane, Northeast Harbor, as presented.
13

14 VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman:
15 Aye; Chair John Macauley: Aye Motion approved 5-0.
16

17 *C. Public Space Special Event Application – Mount Desert Elementary School 8th Grade*
18 *Promotion – June 10, 2020, Northeast Harbor Village Green (Tennis Court Parking*
19 *Area)*

20 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval of Public Space
21 Special Event Application – Mount Desert Elementary School 8th Grade Promotion –
22 June 10, 2020, Northeast Harbor Village Green (Tennis Court Parking Area), as
23 presented.
24

25 VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman:
26 Aye; Chair John Macauley: Aye Motion approved 5-0.
27

28 *D. Discussion regarding tables on the sidewalk at the Colonel's*
29 *Ms. Littlefield and Ms. Dudman supported the idea.*
30

31 Ms. Dudman inquired whether the Board could simply approve this, or were there
32 Ordinance requirements? Town Manager Lunt felt it was something the Board could
33 approve. There have in the past been things like outside sidewalk sales in that area.
34 Manager Lunt felt it was appropriate to approve now, and should any further
35 requirements come up the Town can address them.
36

37 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of tables on the
38 sidewalk at the Colonel's as presented.
39

40 Mr. Hart wondered if CEO Keene might have questions regarding such an approval.
41 Perhaps a start and end date should be defined. Colonel's owner Stephanie Reece stated
42 she had discussed the issue with CEO Keene. If more indoor seating were opened up,
43 then outdoor seating could not be used. She noted she had the out-back deck as well,
44 with tables currently fewer than usual and more spread out. She found that customers did
45 not want to be inside the building. Ms. Reece has discussed it with her neighbors and
46 was told that as long as they can access their property it would not be a problem. She

1 also noted space for tables needed to be ADA compliant, in that a person using a
2 wheelchair must be able to pass along the sidewalk without difficulty. She intends to use
3 picnic tables, so chairs on a windy day will not be blown around.
4

5 VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman:
6 Aye; Chair John Macauley: Aye Motion approved 5-0.
7

8 **XI. Other Business**

9 *A. Such other business as may be legally conducted*

10 Ms. Dudman referred to a letter she received from the Economic Development
11 Committee. The letter was intended for the Governor's Office and discussed the Covid-19
12 State of Emergency and restrictions set due to the emergency.
13

14 While Ms. Dudman understood the impetus behind the letter, she was not comfortable
15 with supporting the letter. The Town should follow the Governor's direction, and per the
16 Governor's direction, people arriving from out of state should be quarantined for fourteen
17 days. Ms. Dudman would not be in favor of sending out the letter at this time.
18

19 Mr. Hart noted the letter was not necessarily requesting the Governor remove the
20 fourteen-day quarantine. It requested allowing people to begin their quarantine out of
21 state and limit their number of stops on their way to Maine. It was not necessarily about
22 policy – it was about whether people were willing to follow the rules set before them. He
23 felt State leadership had put the Town in a precarious situation. They set rules that the
24 Town has no ability to enforce, and people are not necessarily following those rules.
25

26 Chair Macauley agreed. Policy has nothing to do with the biology of the virus, and not all
27 people can be trusted to follow the rules set. It was evident that people from out of state
28 were in the area and ignoring all the rules. Chair Macauley did not feel it good policy to
29 endorse the letter.
30

31 Ms. Littlefield agreed. She was trying to respect the policies set at State level and would
32 not be comfortable with endorsing the letter.
33

34 Chamber of Commerce representative Mickey Sumpter who was at the meeting where the
35 letter was drafted, agreed the Board had valid points, however it's been a very difficult
36 time for the hospitality businesses. Those businesses are asking for flexibility. Many
37 communities have written to the Governor to voice their feelings regarding health, but also
38 the economic issues. She warned that those economic issues would be felt heavily in the
39 next six months. She admitted she had not read the letter. The Maine Chambers of
40 Commerce are meeting with the Governor's office very soon, and they are pushing for
41 change, while trying to maintain health. She did not know how the hospitality industry on
42 Mount Desert Island would survive without change.
43

44 Ms. Dudman supported the Chamber of Commerce doing what they felt was right. Her
45 feeling was the Town's government shouldn't enter into the discussion.
46

1 Mr. Mooers stated he had read the letter carefully, and noted it is signed by the Economic
2 Development Committee. This Committee was appointed by the Town to address issues
3 of economic development in the Town and the Committee was vested with the ability to
4 look at many types of changes. He believed the letter was sent to the SelectBoard not
5 seeking endorsement or approval, but to allow the Board to offer suggestions or additions.
6 Mr. Mooers felt the Committee had the right to send a letter to the Governor as the
7 Economic Development Committee of the Town of Mount Desert. The SelectBoard
8 should not sit in judgement over everything each Committee does. He felt the letter,
9 signed by the Economic Development Committee, should be sent as it stands.

10
11 Chair Macauley disagreed. Committees are advisory. The Board cannot allow
12 Committees to move in their own various directions without oversight from the Board. It
13 was the SelectBoard's authority to oversee this type of activity. Mr. Mooers pointed out
14 the letter is not asking the SelectBoard for approval. Chair Macauley did not feel that
15 mattered.

16
17 Ms. Littlefield asked if the Economic Development Committee has authority to send the
18 letter. If the Board has no right to dictate such an action, then the Board cannot do so.
19 She had read the letter more as a request for SelectBoard endorsement and approval that
20 the letter be sent.

21
22 Manager Lunt noted the Economic Development Committee is a duly constituted
23 Committee of the Town of Mount Desert. They are using their authority as the Economic
24 Development Committee of the Town of Mount Desert. The SelectBoard, if it does not
25 agree with the sentiments of the letter could ask the Committee not to send it until such
26 time as the Board is able craft and include an amendment.

27
28 Chair Macauley suggested adding a disclaimer to the letter noting the sentiment of the
29 letter does not reflect the sentiment of the Board.

30
31 The Economic Development Committee has a Mission Statement.

32
33 Ms. Littlefield inquired whether the Committee was using official Town letterhead. Ms.
34 Dudman felt that a Town Committee is a representation of the Town. She was not in
35 favor of the letter being sent.

36
37 Manager Lunt explained the difference between a Committee and a Board (like the
38 Planning Board, as an example). While a Board has statutory authority giving them some
39 autonomy, The Economic Development Committee is a Committee created by the
40 SelectBoard and does not have statutory authority to take this type of action. Manager
41 Lunt opined the SelectBoard was within their right to direct the Committee to forward the
42 letter to the SelectBoard for a decision on whether the letter should be sent.

43
44 Mr. Hart noted the Committee has a private 501c3 status. This makes it a legal entity.
45 They may be able to send the letter under the umbrella of their 501c3. Mr. Hart noted that
46 he is well aware the situation forced by the Covid-19 Emergency status may very well be

1 terrible for the community. The Economic Development Committee has been tasked with
2 helping the Town. They should be applauded for trying to take action toward that end.
3 He agreed that coming from any group noted as "Town of Mount Desert" infers it comes
4 with the support of the Town of Mount Desert's governing Board.

5
6 Regarding potential edits to the letter, Mr. Hart felt that what is needed from the State is
7 better communication to business owners and the general public.

8
9 Chair Macauley added that the letter could be sent out under the auspices of the Chamber
10 of Commerce as well.

11
12 It was noted that the Summer Residents Association was a completely separate group.
13 The Association was created to help with Northeast Harbor businesses. Ms. Dudman
14 noted they have received some grant applications and are currently processing those. But
15 they are their own entity. The Chamber's relationship with them is to help coordinate
16 getting communication out.

17
18 MD365 Director Kathy Miller reported that in discussions with the Committee, they felt
19 writing the letter was a way the Committee could help. There's been a lot of positive
20 feedback. She is the one who raised the question of whether the Committee had the
21 authority to send such a letter. She appreciated the suggestion that the letter be sent
22 through other entities. She felt that no matter the decision made on the letter, some would
23 be offended and some would be appreciative.

24
25 No further Action was taken.

26
27 Ms. Littlefield asked if a special amusement permit was necessary for a fireworks display
28 on Sunday night after the high school graduation. This event is not being planned by the
29 high school. Manager Lunt noted fireworks are applied for through the State Fire
30 Marshal's office. Ms. Littlefield noted the fireworks would be shot from a barge in Somes
31 Sound. However, viewers would most likely be parking at various areas along the
32 viewshed.

33
34 Harbormaster Lemoine suggested letting the Coast Guard know as well.

35
36 Manager Lunt pointed out that using a professional group to set off the fireworks means
37 they most likely know all the permits and permissions required.

38
39 Town Clerk Woolfolk passed along a request from someone looking for a liquor license.
40 They did not get their Application into the Town on time to be placed on the next agenda
41 and are requesting a special SelectBoard Meeting to address their license. Chair Macauley
42 agreed to the special meeting. Ms. Woolfolk promised to send an Agenda to remind the
43 group.

44
45 **XII. Treasurer's Warrants**

46 *A. Approve & Sign Treasurer's Warrant AP2068 in the amount of \$206,474.97*

1 MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, approval and signature
2 of Treasurer's Warrant AP2068 in the amount of \$206,474.97, as presented.

3
4 VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman:
5 Aye; Chair John Macauley: Aye Motion approved 5-0.

6
7 *B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP2067,*
8 *and PR2025 in the amounts of \$558.00 and \$109,516.14, respectively*

9 MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval of signed
10 Treasurer's Payroll, State Fees, & PR Benefit Warrants AP2067, and PR2025 in the
11 amounts of \$558.00 and \$109,516.14, respectively, as presented.

12
13 VOTE: Rick Mooers: Aye; Wendy Littlefield: Abstained; Matt Hart: Aye; Martha
14 Dudman: Aye; Chair John Macauley: Aye Motion approved 4-0-1 (Littlefield in
15 Abstention).

16
17 *C. Acknowledge Treasurer's School Board AP/Payroll Warrants 24 in the amount of*
18 *\$172,672.11*

19 MOTION: Mr. Mooers moved, with Mr. Hart seconding, Acknowledgement of
20 Treasurer's School Board AP/Payroll Warrants 24 in the amount of \$172,672.11, as
21 presented.

22
23 VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman:
24 Aye; Chair John Macauley: Aye Motion approved 5-0.

25
26 **XIII. Adjournment**

27 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, adjournment.

28
29 VOTE: Rick Mooers: Aye; Wendy Littlefield: Aye; Matt Hart: Aye; Martha Dudman:
30 Aye; Chair John Macauley: Aye Motion approved 5-0.

31
32 The Meeting adjourned at 4:45pm.

33
34
35 Respectfully Submitted,

36
37
38
39 Wendy Littlefield, Secretary